

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN T. HUNTER, JR.

Petitioner,

v.

WARDEN, FCI GREENVILLE,

Respondent.

Case No. 23-cv-1841-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner John T. Hunter, Jr.'s motion to withdraw his petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. 8). Hunter's sentencing court recently reduced his sentence to time served under the compassionate release statute, 18 U.S.C. § 3582(c)(1)(A)(i). *See United States v. John T. Hunter Jr.*, No. 1:93-cr-318-2, Doc. 249 (May 12, 2025).

The Court construes Hunter's motion as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The notice itself effects the immediate dismissal of the suit; no further action by the Court is necessary. *Smith v. Potter*, 513 F.3d 781, 782 (7th Cir. 2008). The respondent has not served an answer or motion for summary judgment in this case. Because the petitioner has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to close this case.

IT IS SO ORDERED.

DATED: June 25, 2025

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE